

REMARKS

Claims Status

Claims 1, 15, and 19-27 are pending, of which Claims 21-23 are allowed, Claims 1, 15, 19, and 20 are finally rejected, and Claims 24-27 are withdrawn from consideration.

35 U.S.C. § 112, ¶ 2

Claims 1, 2, 15, 19, and 20 are finally rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the rejection states that in Claim 1 there is a valence problem when the variables are or include C₀₋₄ alkyl or C₀₋₃ alkyl when the variable is C₀ alkyl.

Applicants submit that Claim 1, as amended, obviates the rejection. Claim 1 has been amended to replace instances of C₀.

35 USC § 102(e)

Claims 1, 15, 19, and 20 are finally rejected under 35 USC § 102(e) over US 2005/0054696 to Nakamura et al. ("NAKAMURA"). The rejection states that NAKAMURA discloses the claimed invention, citing ¶[0590] - [0594], pp. 49-68, 86-88, and Claims 12-20.

Applicants respectfully traverse the rejection. NAKAMURA is apparently a § 371 national stage application based on a PCT application published in a language other than English. Accordingly, NAKAMURA does not have a § 102(e) date and cannot be 102(e) art.

Turning to the content of NAKAMURA, Applicants respectfully submit that the rejection does not consider the provisos in Claim 1, which appear to exclude NAKAMURA. For instance, in Claim 1, when YZ represent -C(O)-, a proviso provides that R³ is not optionally substituted phenyl. Thus, e.g., NAKAMURA Example 1 is excluded. Similarly, Claim 1 appears to exclude all of the NAKAMURA subject matter. Thus, NAKAMURA does not disclose the claimed invention.

For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Rejoinder

In that the examined claims are believed to be in condition for allowance, rejoinder of the withdrawn claims (Claims 24-27), which depend from Claim 1 and recite methods of use, is respectfully requested.

Respectfully submitted,

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